

HONORABLE JAMES ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                           |   |                            |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR20-191JLR            |
|                           | ) |                            |
| Plaintiff,                | ) | UNOPPOSED MOTION TO EXTEND |
|                           | ) | SELF-SURRENDER DATE        |
| v.                        | ) |                            |
|                           | ) |                            |
| AUSTIN HSU,               | ) | Noted: September 17, 2021  |
|                           | ) |                            |
| Defendant.                | ) |                            |

The defendant, Austin Hsu, through counsel, Brent Hart, requests that this Court delay Dr. Hsu's self-surrender date by 60 days. The Government does not oppose Dr. Hsu's request. Pretrial Services defers to the Court.

**I. Procedural History**

Dr. Hsu was charged by complaint on October 26<sup>th</sup>, 2020. Dkt 1. The following day, he was arrested and had his initial appearance where he was released on conditions to be supervised by pretrial services. He has remained in the community for more than 10 months with no violations of the conditions of his bond.

Dr. Hsu pleaded guilty on January 21, 2021. Dkt 32. This Court sentenced Dr. Hsu on August 10, 2021 to 24 months custody with a recommendation to be placed at Sheridan and was allowed to self-report. Dkt No. 49. He recently received instructions that he is to report no later than September 22, 2022.

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2 **II. Another delay in the self-surrender date is warranted in light of the**  
3 **COVID-19 pandemic, ongoing logistical issues with his MRI business,**  
4 **and his spotless record on pretrial supervision.**

5 Dr. Hsu asks that the Court delay his self-surrender date for another 60 days. The  
6 COVID-19 pandemic places significant strain on the Bureau of Prisons and a delay in  
7 reporting would protect the health of Dr. Hsu, as well as BOP staff and inmates. Dr.  
8 Hsu has been designated to Sheridan Camp in Oregon State.

9 Sheridan is currently experiencing a surge in cases of COVID -19. Per BOP.gov  
10 on August 27, 2021

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| Facility Name | No. of inmates with<br>completed tests | No. of inmates with<br>pending tests | No. of inmates with<br>positive tests |
|---------------|--|--------------------------------------|---------------------------------------|
| FCI Sheridan  | 1509                                   | 1                                    | 202                                   |

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15 An inmate recently died as a result of the COVID 19 virus and conditions have  
16 been questioned at the facility. See Exhibit 1.

17 Nationwide, the United States is currently experiencing a surge in COVID-19  
18 outbreak due to the Delta variant. In total, more than 600,000 Americans have died as a  
19 result of COVID since the pandemic began. Over the past seven days, 864 Americans  
20 have died per day as a result of COVID-19<sup>1</sup>, representing an 11% rise from the week  
21 prior.

22 In addition to the concerning outbreak of COVID, Dr. Hsu is still frantically  
23 trying to put his affairs in order and deal with the MRI machine that was heavily  
24 referenced throughout defense sentencing materials. He would be grateful for some  
25 extra time in order complete that undertaking.

26  

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<sup>1</sup> [www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html](http://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html)

1 Frankly, the Defense believes the combination of the on-going COVID surge  
2 and logistical issues that Dr. Hsu is dealing with relating to the MRI machine may not  
3 be resolved even with a 60-day delay. But after consulting with the government, the  
4 thought is to delay the report date by 60 days and potentially revisit the report date later  
5 if the circumstances warrant. It is possible that a booster vaccine could be possible  
6 soon which could also be helpful.

7 **III. Conclusion**

8 For all of the above reasons, the Court should grant this motion to delay the self-  
9 surrender date by 60 days.

10 DATED this 27<sup>th</sup> day of August, 2021.

11 Respectfully submitted,

12 *s/ Brent Hart*

13 WSBA 30368

14 Attorney for Austin Hsu  
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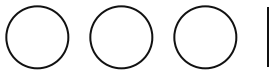


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# Man in Oregon federal prison dies as conditions questioned

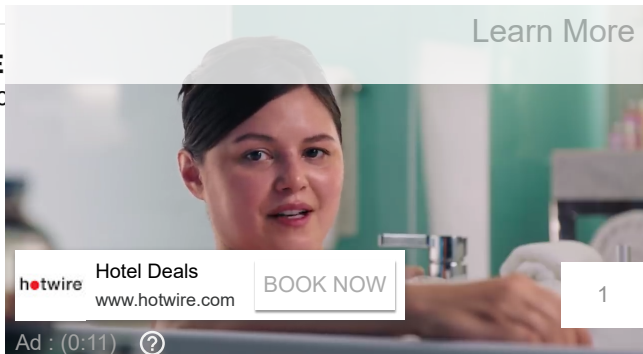
Updated: Aug. 20, 2021 11:21 a.m.



SHERIDAN, Ore. (AP) — The U.S. Bureau of Prisons said this week that a 42-year-old man incarcerated at the Sheridan Federal Correctional Institution in Oregon died, possibly from medical complications.

On Aug. 12, Ikaika Ryan Chung was taken to a hospital for low blood pressure, low blood sugar and elevated heart rate, prison officials said in a statement. He was pronounced dead there.

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Chung's death comes amid serious concerns raised about the overall health and medical care of the more than 1,200 men serving sentences inside Oregon's only federal prison, Oregon Public Broadcasting reported.

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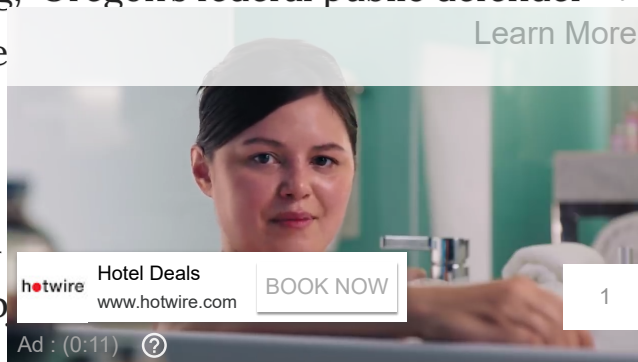
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“Mentally and physically, inmates are suffering,” Oregon’s federal public defender Lisa Hay wrote in a document she filed in federal court following Chung’s death. “Some have died.”

A spokesperson for the Bureau of Prisons said the department would not comment on pending litigation or matters subject to ongoing investigations.

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In her court filing, Hay detailed a number of troubling accounts her office has received this month from people “begging for help, for themselves and others.”

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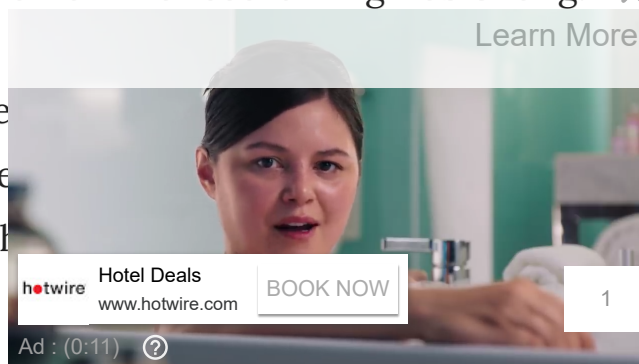
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On Aug. 12, Oregon’s federal public defender’s office received an email from a person incarcerated at Sheridan.

Hay confirmed to OPB the redacted person’s name in her court filing was Chung. [Learn More](#) ×

“inmate (redacted) has a medical problem where their legs are swollen beyond the scope of ‘normal edema’ ... and they are refusing to do ANYTHING to change their NEEDS HELP,” the email to Hay’s office said.



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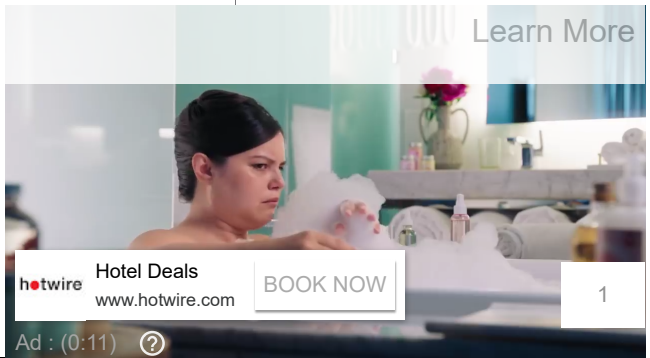
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Chung arrived at the medium security facility Dec. 16, 2019 after pleading guilty to a conspiracy charge involving a drug case and was sentenced to 10 years.

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According to the Bureau of Prisons, Chung tested positive for COVID-19 on Dec. 29, 2020 and was placed in medical isolation and monitored. On Jan. 25, Chung “was converted to a status of recovered,” officials said.

As of Wednesday, Sheridan listed 30 positive cases of COVID-19 inside the facility. That’s the federal prison system’s second largest outbreak in the country behind a facility in Florida.

Hay has asked a federal judge to order an inspection of the prison and regular updates about vaccination rates of Sheridan staff, length of time inmates are confined to their cells and a person to help staff and inmates communicate concerns.

Written By

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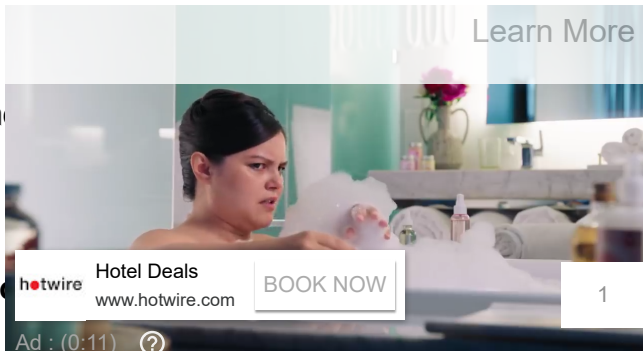
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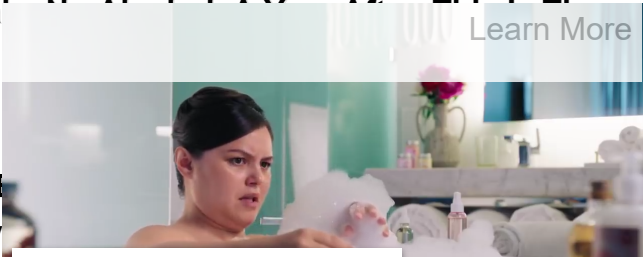
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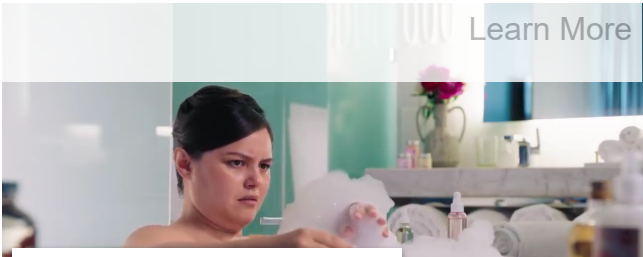
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